

R E M A R K S

Favorable reconsideration, withdrawal of the restriction requirement, and favorable action on the merits with regard to all asserted claims are respectfully requested.

Newly presented claim 17 finds clear and complete antecedent support in original claims 1 and 4, on which it is based.

Applicants elect (with traverse) the invention identified by Group I; claims 1 to 3, drawn to a biologically pure culture, read on this election.

The basis for alleging that the "inventions are distinct" is respectfully challenged. As long as the Applicants have corresponding claims of the identical scope (as original claims 2 and 4), the alleged distinctness is completely overcome. Notwithstanding that, however, a further claim is instantly asserted to eliminate completely any possible support for the alleged basis for maintaining restriction in this case.

The allegation that "Invention I scope of the microorganism is much broader than that is required to produce ethanol in Invention II" is respectfully challenged. There is no reason to believe that any other strain of *Saccharomyces cerevisiae* has the critical properties enumerated in claim 1 for Applicants' claim method. Applicants have found a strain and have defined what

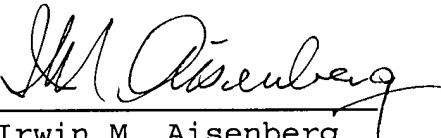
they regard as the critical properties thereof to produce their disclosed results. Claim 1 is directed to strains having those critical properties, which are considered those responsible for supporting the claimed method.

Having made an election commensurate in scope with the restriction requirement, withdrawal of that requirement and favorable action on the merits with regard to all asserted claims are in order and are respectfully solicited.

Respectfully submitted,

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